IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION

United States District Court
Southern District of Texas
FILED

JUN 3 0 2010

David J. Bradley, Clerk of Court

BERTHA M. TORRES and $7,250.00 In Rem Plaintiff,	§ § §	
Vs.	§	CIVIL ACTION NO. 4:10 cv-01636
UNITED STATES OF AMERICA, UNITED STATES IMMIGRATION & CUSTOMS ENFORCMENT Defendants	§ §	

VERIFIED CLAIM FOR FORFEITURE IN REM

NOW COMES BERTHA M. TORRES also known by her maiden name BERTHA FLORES-SALDANA (herein further referred as "Plaintiff") through his counsel of record CHUKWU U. OKO and hereby files her Verified Claim for Forfeiture in Rem and would show in support as thus:

I.
NATURE OF THE ACTION

1. Defendant has filed a Verified Complaint for Forfeiture In Rem for the sum of $21, 461.00 in the U.S. currency. Plaintiff is hereby filing a Verified Claim for Forfeiture in Rem for the amount of $7250.00 from the $21,461.00 that Defendant seized from Plaintiff and Mr. Juan Aliaga. Plaintiff asserts her verified claim under and in compliance with Rule G of the Supplemental Rules for Admiralty or Maritime Claims and Assets Forfeiture Actions.

II.
JURISDICTION AND VENUE

2. This Court has jurisdiction under 28 U.S.C § 1355 because this verified claim is with respect to forfeiture in rem.

3. Venue is proper in the Court under 28 U.S.C. §§ 1355 and 1395 (a) because all the facts and acts involving this claim occurred in the United States Southern District of Texas. Therefore, Court's venue is proper.

III.
VERIFIED FACTS

4. Plaintiff BERTHA M. TORRES herein has attached her Sworn Affidavit as verification of facts, marked herewith as **Exhibit A**. Plaintiff is a lawful permanent resident of the United States, see **Exhibit 1** for a copy of her I-551, lawful permanent resident card. As a permanent resident she is authorized by U.S. Department of Homeland Security to earn lawful income in the United States of America.

5. Plaintiff owns several businesses in the Houston area, see **Exhibit 2** for the copy of her business registration with the Harris County Clerk's Office. Whereas, she sells jewelry. The money that Plaintiff was carrying on December 31, 2009 was lawfully earned through her businesses. See attached Exhibit A, Affidavit of Facts.

6. On or about December 31, 2009, Plaintiff was departing to her country of origin for medical treatment of her disabled child JACKSON JESUS ALIAGA FLORES, date of birth: 04/05/1995. Travelling on the same flight, BUT NOT AS HER FAMILY MEMBER was the biological father of her son JUAN ALIAGA at Bush International Airport at Houston, Texas. Plaintiff avers that she did not carry amount exceeding $10,000.00 limit under the law provided. Defendant wrongly seized Plaintiff's money because they WRONGLY CONSIDRED Plaintiff's and Mr. Juan Aliaga AS ONE FAMILY. They therefore added Plaintiff's $7250.00 to the money $14,211.00 of Mr. Juan Aliaga's belonging. Furthermore, plaintiff avers she made no attempt to hide or conceal her money from the

agents. Specifically, she clearly informed one of the agents that she was carrying about $7000.00 with her for medical treatments of her disabled son. The money was lawfully earned from her jewelry businesses. See attached Affidavit of Facts **Exhibit A.**

7. Plaintiff avers that she is not married to JUAN ALIAGA, father of her disabled Jackson. In fact, she is married to Armando Torres, see ibid for copy of her Marriage License. Therefore, she cannot be considered a family of Mr. Juan Aliaga.

8. On the same date and time, agents of U.S. Immigration & Customs Enforcement confiscated $14,211.00 (fourteen thousand two hundred and eleven dollars) in U.S. cash currency from Juan Aliaga at the Bush International Airport at Houston, Texas and wrongly seized her money along with Juan Aliaga's money as one family's money. Later, Defendants wrongly filed a joint complaint in total sum of $21,461.00, which was confiscated from Plaintiff and Juan Aliaga.

9. Plaintiff would show to this Court that:

i. $7,250.00 in Rem confiscated on 12/31/2009 at the IAH Airport is her lawful income from her jewelry businesses.

ii. She is not married to Juan Aliaga.

iii. Defendants should deal and litigated said amount in Rem (i.e. $7250.00) separately since, Plaintiff is not married to Juan Aliaga and she cannot be considered as one family with Mr. Juan Aliaga as Defendants has alleged in their Verified Complaint.

iv. Plaintiff would show to this Court that on 12/31/2009, she had a right to carry the $7,250.00 without declaring pursuant to the relevant law.

v. Plaintiff would show to this Court that she has right to the said amount in Rem and

Defendants' assertions has claimed in its Verified Complaint filed before this Court are false.

CERTIFICATE OF COMPIANCE WITH RULE G OF THE SUPPLEMENTAL RULES OF ADMIRALITY OR MARITIME CLAIMS AND ASSET FORFEITURE ACTIONS

10. I, BERTHA M. TORRES, hereby verify that all allegations made in this complain are true and correct to the best of my knowledge under the penalty of perjury. Furthermore, I hereby assert a genuine verified claim against my lawfully earned property namely $7,250.00 (Seven thousand two hundred and fifty dollars) in the U.S. currency confiscated by the ICE agents on 12/31/2009 at the IAH Airport in Houston, Texas as to the Rule G of the Supplemental Rules of Admiralty or Maritime Claims and Asset Forfeiture Actions.

BERTHA M. TORRES

IV.
PRAYER

11. **WHEREFORE PREMISES CONSIDERED**, plaintiff prays to this Court that the Court return her $7,250.00 (Seven thousand two hundred and fifty dollars) award her attorney's fees and any other relief to which she is entitled.

Respectfully Submitted

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Respectfully Submitted,

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ATTORNEY FOR BERTHA M. TORRES

CERTIIFICATE OF SERVICE

I, MARIBEL MOLINA, hereby certify that I have mailed a true copy of the foregoing Disclosure of Interested Parties to the following address of U.S. Attorney's office to the opposing counsel by e-mail and facsimile on 29th this day of June, 2010 as to the local rules.

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